



ADA Reasonable Accommodation Guide and Procedures

The Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973 were established in order to provide a clear comprehensive national mandate for the elimination of discrimination against individuals with disabilities. Section 504 is the section of the Rehabilitation Act of 1973 that specifically created civil rights to individuals with disabilities. Section 504 provides that no qualified individual with a disability should, only by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Americans with Disabilities Act (ADA) of 1990 prohibits discrimination solely on the basis of disability in employment, public services, and accommodations. The person must be otherwise qualified for the program, service or job. The ADA requires the provision of reasonable effective accommodations for eligible faculty, staff, students and visitors across Bluefield State University's programs, activities and services.

OBLIGATIONS UNDER ADA

Under the ADA/Rehabilitation Act, BSU has a responsibility to ensure program accessibility for all BSU campus community and program members and participants. This includes removing existing physical barriers, providing accessible transportation, providing ongoing education and training on disability-related matters, enforcing educational accommodations for students and ensuring compliance in employment practices. The University follows the guidelines of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, GINA and current case law.

ACCOMMODATIONS FOR STUDENTS

Educational accommodations for students at BSU are provided by the Dean of Students Office, Division of Academic Success Center. For more information, please contact the Director of the Academic Success Center (Email: ckirby@bluefieldstate.edu; Phone: 304-327-4098).

ACCOMMODATIONS FOR EMPLOYEES

In general, an accommodation is any change in the work environment or in the way things are customarily done that enables individuals with disabilities an equal opportunity to receive program benefits and services. If an employee has a disability and requires an accommodation, the employer must provide a reasonable accommodation, unless the accommodation poses an undue hardship or direct threat issue. An accommodation is not considered reasonable if it removes essential functions of the employee's job.

ADA COORDINATOR (for BSU Employees and Visitors)

ADA services and guiding principles for ADA/Rehabilitation Act compliance are provided by the ADA Coordinator, who also serves as BSU's Vice President for Human Resources. The ADA Coordinator is available to help you navigate accommodations and access at BSU.

Employee and BSU visitor inquiries, campus accessibility questions, concerns or complaints of discrimination or harassment based on a disability should be referred to BSU's ADA Coordinator (Email: ADACoordinator@bluefieldstate.edu; Phone: 304-327-4013).

REASONABLE ACCOMMODATIONS

There are three categories of reasonable accommodations:

1. Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
2. Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
3. Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities."

ELIGIBILITY

To be eligible for a reasonable accommodation under the ADA, an employee must have an impairment that substantially limits one or more major life activities, or a record of such an impairment.

Employees must be referred to the ADA Coordinator in the Office of Human Resources to engage in the interactive process of accommodations in various manners: usually by self-referral or from their supervisor.

If an employee has a disability and requires an accommodation, the employer must provide a reasonable accommodation, unless the accommodation poses an undue hardship. An accommodation is not considered reasonable if it removes essential functions of the employee's job.

INTERACTIVE PROCESS OF ACCOMMODATIONS

Once notification of an accommodation need and/or documentation of a disability has been received, the ADA Coordinator will:

1. Receive and review the employee's documentation of a disability.
2. Obtain a current job description from the Office of Human Resources or the supervisor.
3. Conduct discussions with the employee and the supervisor, to determine whether the employee satisfies the requisite skill, experience, education and other job-related requirements, and performs the essential functions of the position, with or without reasonable accommodation.
4. Determine if the employee cannot meet a specific job-related duty due to the disability. The supervisor must be able to demonstrate that the specific duty is "job-related and consistent with business necessity."
5. Engage in interactive communication with all parties to determine whether there are reasonable accommodations to enable the employee to perform the essential functions of the job, or to meet job-related requirements, unless the accommodation would impose an undue hardship.
6. If an accommodation is appropriate and agreed upon, all parties (employee, supervisor, etc.) will be advised, and accommodation will take effect. Email, memos and/or letters documenting accommodation will be completed and distributed.
7. If an accommodation is not available or reasonable, the employee may be eligible for medical leave.

Some disabilities do not need accommodation. For example: an employee has a disability with a 10 lb. lifting restriction and has asked for an accommodation. The position does not require lifting. A meeting is held with the supervisor and the employee so that everyone understands that the job does not require lifting and the employee cannot be required to lift items over 10 lbs. The ADA Coordinator will not provide the employee with an accommodation as there is no need to do so. However, the ADA Coordinator will work with the parties to facilitate and resolve issues such as the one noted above.

CONTACT INFORMATION

Questions regarding ADA accommodation for BSU employees and visitors should be directed to the ADA Coordinator (Email: ADACoordinator@bluefieldstate.edu; Phone: 304-327-4013).

Questions regarding ADA accommodation for BSU students should be directed to the Director of the Academic Success Center (Email: ckirby@bluefieldstate.edu; Phone: 304-327-4098).